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MAIL STOP : ISSUE FEE

FROM : Gregory S. Smith

EXAMINER : MAH, Chuck Y

FAXED ON : June 23, 2005

FACSIMILE : (703) 746-4000

LAVA GROUP FILE #: 23002.1000

SUBJECT : Payment of Issue Fee for Serial Number 10/625,443 filed on July 23, 2003

This Transmission Includes the Following Items

	Item being transmitted	Pages
<input checked="" type="checkbox"/>	Transmittal	1
<input checked="" type="checkbox"/>	Comments on Statement of Reasons for Allowance	3
<input checked="" type="checkbox"/>	Part B – Fees Transmittal Form	1
<input checked="" type="checkbox"/>	PTO 2038 Credit Card Authorization	1
<input type="checkbox"/>		
<input type="checkbox"/>		
	Total Pages Including Cover Sheet	7

COMMENTS:

EXPEDITED PROCEDURE

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PTO/SB/21 (08-03)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/625,443
		Filing Date	July 23, 2003
		First Named Inventor	WARTMAN, Robert F.
		Art Unit	3676
		Examiner Name	MAH, Chuck Y.
Total Number of Pages in This Submission	6	Attorney Docket Number	23002.1000

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO 2038 Credit Card Authorization Comment on Examiner's Statement
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Smith Frohwein Tempel Greenlee Blaha LLC	
Signature		
Date	June 23, 2005	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Gregory S. Smith	
Signature		Date June 23, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert F. Wartman

Application No: 10/625,443

Filed: July 23, 2003

For: **ACTUATOR FOR IMPROVING SEAL** § Our File No.: **23002.1000**
FOR OVERHEAD DOORS §

PAYMENT OF ISSUE FEE AND COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

To the Office:

On April 11, 2005, the Office mailed a Notice of Allowance and Fees(s) Due along with a Notice of Allowability. This filing is in response to the Notice of Allowance and Fee(s) due and includes the following items:

Fee(s) Transmittal Form

Credit Card Authorization Form (PTO-2038) and

Comments on Statement for Reasons for Allowance



COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In the Notice of Allowability, the Office has set forth various reasons for allowance and made certain allegations pertaining to various references.

It is hereby acknowledged that the positions taken in the Office's statement of reasons for allowance is the Office's opinion as to why the claims are allowable. In accordance with MPEP 1304.14, the examiner's statement should not create an estoppel. But rather, only the applicant's statements should create an estoppel. In addition, the failure of the applicant to comment on the examiner's statement of reasons for allowance, or any portion thereof, should not be treated as acquiescence to the examiner's statement. Any inferences or presumptions are to be determined on a case-by-case basis by a court reviewing the patent, the USPTO examining the patent in a reissue application or a

~~reexamination proceeding, the Board of Patent Appeals and Interferences reviewing the~~
patent in an interference proceeding, etc.


Although the applicant acknowledges and agrees with the examiner's stated reasons for allowance of the pending claims, the applicant does not concede or admit that the examiner's stated reasons are the only reasons for allowability of the claims or the allowability of other claims based on the application that have either been previously presented or are subsequently presented in a continuation or continuation-in-part application.

MPEP 1304.14 also establishes that the applicant may set forth his or her position if he or she disagrees with the examiner's reasons for allowance. In general, the applicant hereby affirms each of the positions that the applicant has taken during the prosecution of this application.



If there are any questions, applicant respectfully requests the Office to call the applicant's attorney.

Respectfully submitted,

By: 
Gregory Scott Smith
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